

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

U.S.A. vs. Calvin D. Ashford

Docket No. 5:13-MJ-2033-1

Petition for Action on Probation

COMES NOW Mindy L. Threlkeld, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Calvin D. Ashford, who, upon an earlier plea of guilty to 18 U.S.C. §13, assimilating N.C.G.S. 20-138.1, Driving While Impaired - Level 2, was sentenced by the Honorable Kimberly A. Swank, U.S. Magistrate Judge, on June 11, 2014, to a 12 month term of probation under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall obtain a substance abuse assessment from an appropriate mental health facility within thirty (30) days from the date of this judgment and complete any prescribed treatment program. The defendant must pay the assessment fee and any added treatment fees that may be charged by the facility.
2. It is further ordered that the defendant shall participate in any other Alcohol/Drug Rehabilitation and Education program as directed by the U.S. Probation Office.
3. The defendant shall abstain from the use of any alcoholic beverages, shall not associate with individuals consuming alcoholic beverages, shall not frequent business establishments whose primary product to the consumer is alcoholic beverages, and shall not use any medication containing alcohol without the permission of the probation office or a prescription from a licensed physician.
4. The defendant shall not operate a motor vehicle on the highways of the State of North Carolina until privilege to do so is restored in accordance with law.
5. The defendant shall be confined in the custody of the Bureau of Prisons for a period of 7 days as arranged by the probation office.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS: The defendant tested positive for cocaine on June 19, July 2, and July 17, 2014, and signed admissions for all three dates admitting to the use of cocaine. The defendant has not had the benefit of substance abuse treatment, so it is recommended that the drug aftercare condition be added to allow the defendant to be monitored for further drug use through random drug testing and to have the benefit of substance abuse counseling. The defendant realizes that he is bordering on mandatory revocation but feels treatment will benefit him and wants to give it a try. As a sanction for his continued drug use, it is recommended that the defendant complete an additional 5 days of incarceration and 24 hours of community service.

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The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that probation be modified as follows:

1. The defendant shall be confined in the custody of the Bureau of Prisons for a period of 5 days, commencing as soon as can be arranged by the probation office, and shall abide by all rules and regulations of the designated facility.
2. The defendant shall perform 24 hours of community service as directed by the probation office and if referred for placement and monitoring by the State of North Carolina, pay the required \$200 fee.
3. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Robert L. Thornton
Robert L. Thornton
Supervising U.S. Probation Officer

/s/ Mindy L. Threlkeld
Mindy L. Threlkeld
U.S. Probation Officer
310 Dick Street
Fayetteville, NC 28301-5730
Phone: (910) 483-8613
Executed On: July 18, 2014

ORDER OF COURT

Considered and ordered this 18th day of July, 2014, and ordered filed and made a part of the records in the above case.

Kimberly A. Swank
Kimberly A. Swank
U.S. Magistrate Judge